

FILED
JAN 14 2008
RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 WENDELL S. ELAM,

No. C06-06747 MJJ

12 Plaintiff,

**ORDER DISMISSING CASE AND
CLOSING FILE**

13 v.

14 NATIONAL LABOR RELATIONS BOARD
REGION #32,

15 Defendant.

16 _____ /
17 On October 26, 2006 *pro se* Plaintiff Wendell S. Elam petitioned this court to review a decision
18 by Defendant National Labor Relations Board (“the Board”). The Board’s decision was a refusal to issue
19 an unfair labor practice complaint against Plaintiff’s former employer, Kaiser Permanente Health Plan.
20 (See Order Granting Def.’s Mot. to Dismiss, “Order,” at 2.) On February 1, 2007 Defendant moved to
21 dismiss Plaintiff’s claims pursuant to Rules 12(b)(1) and (6) of the Federal Rules of Civil Procedure.
22 Plaintiff untimely moved for leave to amend. This Court found that it lacks subject matter jurisdiction
23 over the matter, and thus granted Defendant’s Motion to Dismiss and denied Plaintiff’s Motion for leave
24 to Amend. (Order at 5.) Contemporaneously, Defendant filed reply briefing, which it subsequently
25 withdrew as moot. (See Docket Nos. 18–21.)

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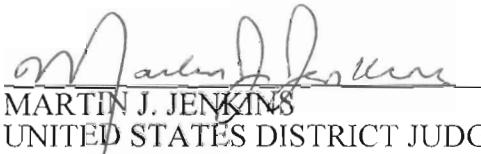
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United States District Court
For the Northern District of California

1 As the Order resolved all issues in the present case, the Court **ORDERS** the case dismissed. The
2 Clerk of the Court is directed to close the file.

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4 **IT IS SO ORDERED.**

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7 Dated: January 14, 2008
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MARTIN J. JENKINS
UNITED STATES DISTRICT JUDGE